

Serial No.: 09/854,280
Filed: May 10, 2001

REMARKS

Claims 61-72 remain pending in the application. All objections and rejections of Claims 62-67, 70-71, 61 and 68-71 have been withdrawn by the Examiner in view of Applicant's amendment in Paper No. 12, filed on October 29, 2002 and Applicant's supplemental amendment in Paper No. 13, filed on January 23, 2003.

Rejections Over Prior Art Under 35 U.S.C. 102(e)

Claims 61-63 and 68-72 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Ebner et al., US 2003/0003545. Applicants respectfully traverse the rejection.

The Ebner et al. reference has a filing date of May 27, 1999. Applicant's pending application is a continuation of and claims priority to US application number 09/311,832, filed May 14, 1999 which predates the filing date of May 27, 1999 of the Ebner et al reference. As such, Applicants respectfully submit that US 2003/0003545 neither anticipates nor makes obvious the present invention and Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

Rejections Over Prior Art Under 35 U.S.C. 103(a)

Claims 64-67 stand rejected under 35 U.S.C. 103(a) as allegedly being obvious over Ebner et al., US 2003/0003545. Applicants respectfully traverse the rejection. For the reasons stated above, Applicant's pending application filing date predates the Ebner et al. reference and as such does not render Applicant's invention obvious. Furthermore, the inventor and invention dates of each claim were subject to an obligation of assignment at the time any inventions covered

Serial Number: 09/854,280

Filed: May 10, 2001

therein were made.

In light of the above remarks, Applicants believe that this application is now in condition for immediate allowance and respectfully request that the outstanding rejections be withdrawn and this case passed to issue.

The Examiner is invited to contact the undersigned at (650) 225-4563 if any issues may be resolved in that manner.

Respectfully submitted,

GENENTECH, INC.

By: Elizabeth M. Barnes

Elizabeth M. Barnes, Ph.D.

Reg. No. 35, 059

Telephone: (650) 225-4563



09157

PATENT TRADEMARK OFFICE

RECEIVED
MAR 11 2003
TECH CENTER 1600/2900

Genentech agrees to reimburse Study Center for its costs of filing and prosecuting patents and patent applications to which Genentech obtains exclusive rights hereunder (the "Patent Rights") up to a maximum of X10,000 per year worldwide, provided that Study Center uses patent counsel satisfactory to and approved by Genentech, such approval not to be unreasonably withheld. Costs to be reimbursed by Genentech shall not include the costs of interferences, oppositions, re-examination requests by third parties, nullity proceedings or other inter partes actions involving the Patent Rights unless otherwise agreed in writing by Genentech. All such reimbursements shall be credited against future royalty payments due with respect to the Patent Rights.